

-oOo-

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARCELLA TRIANA

Defendant.

PROPOSED ORDER

Based on the proceedings of the Sentencing Status Conference as to Marcella Z. Triana, heard on January 22, 2014, the Court hereby finds that:

1. The parties are in agreement to continue the Sentencing date of May 6, 2014 as presently scheduled.
2. This Court is convinced that an adequate showing has been made that to deny this request for continuance, taking into account the exercise of due diligence, would deny the United States sufficient time to be able to effectively prepare for the co-conspirator and target trials and would bar the defendant from the opportunity to cooperate and potentially receive downward departures at the time of sentencing. This decision is based on the following findings:
 - a. The defendant agreed in her plea agreements to cooperate against her coconspirators in any related indictments and trials.

- b. The United States agreed to consider downward sentencing concessions for the defendant's cooperation, including possible U.S.S.G. 5K1.1 Motions if substantial assistance resulted from such cooperation.
 - c. The United States anticipates several additional pleas, indictments and trials in related cases, but not sooner than 8 months from now. Specifically, the defendant may be called to testify in *United States v. Benzer et al.*, Case No. 2:13-cr-00018-JCM-GWF, and in *United States v. Benzer*, Case No. 2:13-cr-00174-JAD-CWH.
 - d. The parties need additional time to prepare the defendant's cooperation against other co-conspirators and targets.
 - e. The defendant does not object to the continuance.
 - f. The defendant is out of custody.
3. For all the above-stated reasons, the ends of justice would best be served by continuing the Sentencing date.
 4. The additional time requested by this Stipulation is excludable in computing the time within which the trial herein must commence pursuant to the Speedy Trial Act, 18 U.S.C. Section 3161(h)(8)(A), considering the factors under 18 U.S.C. Sections 3161(h)(8)(B)(I) and (v).

ORDER

IT IS THEREFORE ORDERED that the Sentencing date currently set for May 6, 2014, is vacated and is continued. This delay is excluded from the time within which the trial must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A). It is further ordered that the defendant's sentencing hearing is set for October 14, 2014, at the hour of 9:00 a.m., in Courtroom # 4A.

1 **DATED** this 4th day of February, 2014.

2 
3 _____
4 UNITED STATES DISTRICT JUDGE